



Montana Environmental Trust Group, LLC
Trustee of the Montana Environmental Custodial Trust
PO Box 1230, East Helena, Montana 59635
Telephone: (406) 227-1242

March 7, 2013

Betsy Burns
RCRA Project Officer
EPA Region VIII
Montana Office
10 West 15th St., Suite 3200
Helena, MT 59626

RE: Consent Decree Civil Action No. CV 98-3-H-CCL East Helena Site Work Performed During November 2012

Dear Ms. Burns:

The Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the Custodial Trust), hereby submits the attached monthly progress report for the month of November 2012 to the US Environmental Protection Agency (EPA). The enclosed report was prepared pursuant to the requirements of Section 86 and other applicable provisions of the First Modification of the Consent Decree (No. CV 98-3-H-CCL) entered on US Federal District Court (Montana) in 2012.

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**Montana Environmental Custodial Trust Monthly Progress Report for East Helena (EH) Site
November 2012**

#	Topics & Subtasks	Date(s)	Major Activities ⁱ	Con ⁱⁱ
I.	RCRA Corrective Action			
A.	Investigations, Studies, Analyses and Data Collection			
1.	Phase II RFI	During Period	No significant Phase II RFI activities occurred during the reporting period.	NA
2.	FSAP	During Period	Hydrometrics continued data management activities from the October monitoring event and conducted the November GW/SW monitoring event, coordinated downgradient well drilling with O'Keefe Drilling.	HY
3.	Risk Assessment	During Period	No significant risk assessment activities occurred during this reporting period.	NA
4.	Upper Lake Aquifer Test	During Period	<ul style="list-style-type: none"> EH personnel inspected the condition and integrity of and removed debris from the UL diversion structure and smelter dam. They also adjusted the underflow gates on the dam to manage water levels behind the dam Relocated the LL piezometer due to decreased water levels Added heat trace on the UL and LL piezometers to allow for data collection during freezing conditions Hydrometrics continued gathering UL water levels, updated and sent out the wetlands data in connection to the UL drawdown test 	TS HY
5.	GW Model	During Period	Hydrometrics reviewed and provided data to Newfields concerning Newfields' SOW and provided various data for the model.	HY
6.	Database Management	During Period	<ul style="list-style-type: none"> Finalized June 2012 EH Private Well Data Validation Report Finished draft of August 2012 Monitoring Well Data Validation Report Worked on September 2012 EH Monitoring Well Data 	LT
7.	Project Management	During Period	No significant project management activities occurred during this reporting period.	NA
B.	Interim Measures			
1.	SPHC IMs	During Period	<ul style="list-style-type: none"> Continuing preparation of Bypass 100% engineering documents with a target completion date for early December Updated floodplain mapping based on revised modeling Responded to DOJ's comments on the 90% PPC Bypass plans Contacted Vicki Sullivan (Army Corps) regarding 404 permit; clarified construction sequencing and materials to her satisfaction, expect authorization in near future. Also spoke with Chris Evans (LCCD), who indicated they will issue their authorization at 12/13 board meeting Received notice from Paul Anderson (Michael Baker) that CLOMR resubmittal has been accepted, and technical materials are considered complete. Application will be forwarded to Paul's supervisor for approval, before Michael Baker sends to FEMA for issuance of the CLOMR to the COEH Revised draft tech memo for HDS replacement Collected sediment data (four pebble counts) north of Hwy 12, performed analysis of Reference Reach 1 cross-section Began preliminary development of Engineering Criteria – Plan and profile of proposed PPC Channel Began development of Hydraulic Analysis Existing Conditions – HEC-RAS Modeling, development of Bypass downcutting 	CH HY MM AGI PT

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			potential analysis <ul style="list-style-type: none">Coordinated compilation and process of Bypass, subsurface groundwater, and geologic unit data into spatial 3d model.		
2.	ET Cover System IMs	During Period	<ul style="list-style-type: none">Three bids were received for Phase 1 Demolition and Envirocon was selected as the preferred contractorSubmitted 100% Plans, Tech Specs and Design Report for City of East Helena water main and alternative connection to DEQ for checklist approvalLOSA test pit samples collected in October 2012 were submitted to Energy Labs for metals analysis (total concentrations, acid-digested samples) and the results will be reviewed and a subset of the samples will be subjected to SPLP testingContinued working on Tito Park and Acid Plant CSMsPrepared Speiss/Dross area cross sections and soils data summaryStopped work and archived 60% CAMU #3 design and geotechnical samples	CH MM HY	
3.	Source Removal IMs	During Period	No significant source removal IM activities occurred during the reporting period.	NA	
4.	IM Work Plans	11/7/12	Submitted Public Review Draft IMWP 2013.	CH	
		11/14/12	The CT held a public meeting to discuss the 2012 IMWP and make a presentation to the public about upcoming work to be done at the site.	CT CH HY	
5.	RCRA Team Support	During Period	<ul style="list-style-type: none">Acid plant CSM document issuedContinued work on Tito Park/LL/Upper OSA and Speiss-Dross CSMsContinued development of soil removal evaluation approach (MVS model and evaluation process)Coordinated with NewFields on groundwater modeling activities to support planned IMs, including PPC realignment design. NewFields will be performing predictive simulations once the model is more suitably calibrated in the transient mode.	CH HY	
6.	General (Programmatic) IMs	During Period	Continue work on 2012 budget realignment	CH	
7.	Project Management	During Period	<ul style="list-style-type: none">Prepared preliminary ETCs for all engineering tasks and submitted to task managers for reviewUpdated the CO/PO tracking system, continue preparation of the 2013 PO preparation plan	CH	
8.	Permitting	During Period	No significant permitting activities occurred during the reporting period.	NA	
C.	CMS				
II. Beneficiary/Stakeholder Communications					
A.	Beneficiary Communications	na	No significant beneficiary communication activities occurred during the reporting period.		
B.	Stakeholder Communications	11/08/12	EHECTIC Meeting		
		11/14/12	Public Meeting on Draft 2013 IMWP		
		11/15/12	Meet with Denis Young (Kleffner Ranch)		
		11/16/12	Meet with L&CC		
		11/30/12	Meet with L&CC on hydrogeological studies		
III. Site Management & Operations					

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A.	Site-Wide Health & Safety/Regulatory Compliance	During Period	<ul style="list-style-type: none"> EH personnel trained Ash Grove slag hauling personnel on HASP requirements needed to continue hauling slag from the plant site Completed weekly and monthly inspections of health and safety systems, CAMU #1 and #2 liners, temporary liners, natural gas hoses and hazardous waste roll-offs Pumped leachate from CAMU #1 and #2 Hydrometrics met with NW Energy to discuss compliance issues regarding the HASP Dedicated CT consultants completed their annual respirator fit test refreshers. 	CT HY
		11/12/12	Steve Lindberg committed to contact the CT when the Dartman property soil samples are ready for storage at the plant site.	CT
B.	Site Security	During Period	No significant site security activities occurred during this reporting period.	NA
C.	Plant Operations	During Period	<ul style="list-style-type: none"> EH personnel performed maintenance on the water truck by insulating the water pump, installing a drain valve and sight glass, and filling the pump pipe Mowed weeds in and around CAMU #1 and the drainage ditches Plowed and shoveled snow on the plant site and at the modular offices Replaced the pump in the HDS building sump Installed a hose reel on the tire wash station Palletized the well cuttings and soil samples in the High Grade building and moved them to the warehouse for storage Repaired natural gas leaks between the Car Wash and Thickening building as well as at the old Blast area Site facility maintenance, including replacing a transformer and replacing lights in the ZP pump house, as well as organizing and cleaning the pump house Replaced full gasoline barrels with new barrels in the ZP shed, and placed the full containers by the AP gate for easy pick-up. 	TS
D.	Stormwater Management	During Period	<ul style="list-style-type: none"> CT personnel met with Thatcher Chemical and discussed Blanket order quote and purchase of reagents Added a pump thickening sludge to the sludge tank and began decanting, pumped water to the million gallon tanks and turned on the ice mixer due to freezing conditions Performed the annual EH Stormwater Evaluation Transferred site storm water to the Tank farm. 	CT
		11/12/12	The CT submitted the HDS plant DMR and cover letter for the month of October.	CT
		11/29/12	Hydrometrics advised the CT that a Notice of Intent (NOI) needed to be submitted to MDEQ before 12/31/12 for the new Stormwater permit to be issued.	CT HY
E.	Documents & Records	During Period	No significant other documents & records activities occurred during this reporting period.	NA
F.	Water Rights	During Period	No significant other water rights activities occurred during this reporting period.	NA
G.	Other Property Management	11/29/12	The CT advised Western States Insurance on the proper vehicles that require insurance.	CT
H.	Other Site Operations	During Period	No significant other site operation activities occurred during this reporting period.	NA

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IV. Property Use/Development				
A.	Agricultural Leases	During Period	No significant agricultural lease activities occurred during this reporting period.	NA
B.	Community Land Uses	During Period	No significant other community land use activities occurred during this reporting period.	NA
C.	Redevelopment & Property Sale	During Period	<ul style="list-style-type: none"> Completed storm water BMPs for the Chemet parcel transfer Covered the foam seal around the Lego blocks on the Chemet boundary to minimize UV damage Advised American Chemet the SWPPP be submitted to the EPA as per the land purchase agreement. 	CT
D.	Slag Re-Processing	During Period	Ash Grove began hauling on 11/5/12 and continued through the month of November.	NA
E.	City/County Land Transfers	During Period	No significant City/County land transfer activities occurred during this reporting period.	NA
V. CT Operations & Financial Affairs				
A.	Personnel & Office Operations	11/14/12	The CT took advantage of a 40% discount sale from Car Quest for bulk oil filter purchases.	CT
B.	Financial Affairs	During Period	The CT continued to evaluate and review PO's for CH2MHill and SP4C continued development of CT project controls systems .	CT CH SP
VI. Upcoming Activities				
		12/4/12	Review Byass permitting process with the COEH	
		12/11/12	Former Asarco Smelter Dam (East Helena) Table Top Exercise--Emergency Action Plan	

ⁱ See [Attachment I](#) for a list of acronyms used in the weekly progress reports.

ⁱⁱ “Con” refers to consultants, contractors and third-party professionals involved in the specific tasks and activities. A list of all such consultants, contractors and third-party professionals, along with the corresponding abbreviations used in the weekly progress reports, is provided in [Attachment II](#).

Section 3. Describe and estimate the percentage of studies completed.

No projects or studies were completed in November 2012. A complete listing of projects completed in 2012 will be reported in the January 2013 Progress Report.

Section 4. Describe Actions being taken to address problems.

There were no actions required to address problems associated with the Decree.

Section 5. Identify changes in key personnel during the period.


None during the reporting period.

Section 6. Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.

The Custodial Trust received funds for Environmental Actions earmarked for site clean-up in connection with the ASARCO bankruptcy settlement. The Custodial Trust deposited the funds in a segregated East Helena Clean-up account and is investing and managing the funds in accordance with the provisions of the Settlement Agreement. Issues related to the CAMU trust are stilling being resolved between the beneficiaries and ASARCO.

Please do not hesitate to contact me with any questions pertaining to this transmittal.

Sincerely,



Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as
Trustee of the Montana Environmental Custodial Trust

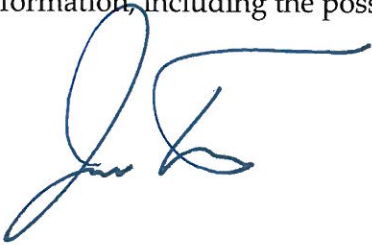
By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

cc: Denise Kirkpatrick - MDEQ
Randy Breeden - EPA 8
Chuck Figur - EPA 8

CERTIFICATION
PURSUANT TO U.S. v ASARCO INCORPORATED
(CV-98-3-H-CCL, USDC, D. Montana)

"I certify under penalty of law that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."



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By: Greenfield Environmental Trust Group, Inc., Member

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